

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: October 26, 2009

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING - 5:30 p.m. (County Administration Conference Room)

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2009016
2. Project # 2009020
3. Project # 2009027
4. Project # 2009030
5. Project # 2009033

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INTO WORK SESSION – 6:00 p.m. (County Administration Conference Room)

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 10 State Funding Cuts and the Impact on the FY 11 Budget. (TAB A)

VI. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

VII. INVOCATION - 7:15 p.m. (Board Chambers)

VIII. PLEDGE OF ALLEGIANCE

IX. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on October 11, 2009 and October 18, 2009:

1. New River Valley Benefits Consortium – Joint Powers Agreement
An Ordinance Amending the July 1, 2002, New River Valley Benefits Consortium Joint Powers Agreement by specifying certain duties of the officers of the Consortium and by amending the voting rights for the Consortium members with five hundred employees or more. See TAB B .
2. Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.
An Ordinance Amending Chapter 2, Division 5 Entitled Tax Exemptions and Deferrals for Elderly and Handicapped, Section 2-107 of the Code of the County of Montgomery, Virginia by Increasing the Income Eligibility Limits for Exemption from or Deferral of Taxation of Real Estate for the Elderly and Disabled. See TAB C .
3. Proposed Ordinance Amending Chapter 3, Entitled Animals,
An Ordinance Amending Chapter 3, Entitled Animals, Sections 3-6, 3-7, 3-9, 3-28.2, 3-32, 3-33, 3-41, 3-42, 3-50, 3-51, 3-53 And 3-55 of the Code of the County of Montgomery Virginia, in Order to Comply with Changes in State Enabling Legislation. See TAB D .

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on September 30, 2009 and October 7, 2009:

4. Rezoning Request – Henry & Sarah Ann Brabham and Brabham Enterprises, LLC – CONTINUE TO NOVEMBER 23, 2009
A request by Henry & Sarah Ann Brabham and Brabham Enterprises, LLC (Agent: Gay and Neel, Inc.) to rezone approximately 6.832 acres from Agriculture (A-1) to General Business (GB) to allow hotel and restaurant uses. The property is located on the northeast corner of the intersection of North Fork Road (Rt. 603) and Interstate 81, Exit 128.

At their October 14, 2009 meeting, the Planning Commission tabled this request. Therefore, the Board of Supervisors will continue this request to their November 23, 2009 meeting. See TAB E for a copy of the Planning Commission's letter.

5. Rezoning Request – Richard J. Obiso, Jr. and Eclipse Winery, LLC
A request by Richard J. Obiso, Jr. and Eclipse Winery, LLC (Agent: Richard & Melissa Obiso) to rezone approximately 9.52 acres from Rural Residential (RR) to Agriculture (A-1), with possible proffered conditions, to allow farm winery/farm enterprise uses. The property is located at 4025 Childress Road (Rt. 693), identified as Tax Parcel No(s). 127-A 24C (Acct Nos. 120176), in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre. See TAB **F** .

6. Comprehensive Plan Map Amendment – Peppers Ferry Townhomes, LLC
A Request by Peppers Ferry Townhomes, LLC (Agent: Roberts Engineering) for a Comprehensive Plan map amendment to change the policy map designation of approximately twenty-four (24) acres immediately adjacent to Route 114 from Rural to Village Medium Density Residential in the Belview Village for a parcel located at 2626 Peppers Ferry Road also identified as Tax Parcel No. 65-A 15 (Account No. 017076), in the Riner Magisterial District. (Formally the Chie May Lo Sing request) See TAB **G** .

X. PUBLIC ADDRESS

XI. ADDENDUM

XII. CONSENT AGENDA

XIII. NEW BUSINESS

A. SUBJECT: LEGISLATIVE PRIORITIES FOR 2010

**R-FY-10-
MONTGOMERY COUNTY'S LEGISLATIVE
PRIORITIES FOR 2010**

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby adopts their 2010 legislative priorities which include:

- ***Regional 911 Emergency Communications Authority*** Montgomery County requests legislation be adopted to allow the jurisdictions in the New River Valley to create a Regional 911 Emergency Communications Authority.
- ***Rest Areas*** Montgomery County supports reopening the interstate highway rest areas in Montgomery County and the Commonwealth as a whole.
- ***State Budget Cuts*** Montgomery County requests that the General Assembly restore the Compensation Board funding reductions to Montgomery County's constitutional officers. In FY 2010, state cuts of Compensation Board funding to these offices total nearly \$650,000 and represent 11% of the total state funds reduced in one year. These offices cannot absorb these severe reductions and the county cannot continue to restore all the state budget reductions.
- ***Unfunded mandates*** Montgomery County continues to oppose unfunded mandates from the state or federal government. As state revenue is reduced, state mandates should also be reduced in the same proportion.
- ***Income Taxes or Other Revenue Sources to Support Local Services*** Montgomery County supports legislation to distribute a percentage of individual income tax revenues to localities, the authority to levy a local income tax, or be provided with other sources to generate revenue locally.
- ***Equal Taxing Authority*** Montgomery County supports legislation to eliminate the distinction in the taxing authority of Virginia's cities and counties.
- ***Schools.*** Montgomery County supports full funding of Standards of Quality (SOQ) so that a redistribution of existing state aid among jurisdictions does not occur without an increase of state funds. Montgomery County supports state funding allocated for teacher pay raises based on actual positions, not just positions recognized in the SOQ. Montgomery County supports "cost for competing Add-on" funding for all Virginia School Districts.
- ***Comprehensive Services Act (CSA)*** Montgomery County supports full state funding for 100% of the administrative costs of CSA, state vendor contracts for residential and treatment foster care services paid through CSA and increased state matching share for CSA costs.

- ***Water and Sewer availability fees*** Montgomery County supports legislation that would grant counties the authority to enact water and sewer availability fees, and mandatory water and sewer connection powers.
- ***Voting Machines*** Montgomery County supports full state funding for 100% of the cost of providing optical scan voting machines as required by the General Assembly Section 24.2-626 of the Code of Virginia, as amended.

ISSUE/PURPOSE: To adopt the County's legislative priorities for 2010.

XIV. COUNTY ATTORNEY'S REPORT

XV. COUNTY ADMINISTRATOR'S REPORT

1. New County Web Page Demonstration

XVI. BOARD MEMBERS' REPORT

1. Supervisor Biggs
2. Supervisor Politis
3. Supervisor Muffo
4. Supervisor Creed
5. Supervisor Brown
6. Supervisor Marrs
7. Supervisor Perkins

XVII. OTHER BUSINESS

XVIII. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Thursday, November 12, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Special Meeting
Budget Work Session
Monday, November 16, 2009
6:00 p.m.

Special Legislative Meeting
Wednesday, November 18, 2009
6:00 p.m.

Adjourned Meeting
Monday, November 23, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Special Joint Meeting with
Montgomery County Public School Board
Monday, November 30, 2009
6:00 p.m.